



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

which might tend to incriminate him. In the principal case, a vigorous dissenting opinion was filed by MOORE, Ch. J. For exhaustive articles on the subject, see 22 *Am. Law Reg. (N. S.)*, 21; 15 *Harvard Law Review*, 610; 75 *Am. St. Rep.* 318, 347.

EVIDENCE—PRESUMPTION—SUICIDE.—Plaintiff as trustee for First National Bank, to which the policy had been assigned by the assured, sued defendant company to recover the money payable by the terms of the policy. It was urged in defense, by way of avoidance, that under a condition of the policy, said policy was to be void if the assured committed suicide, and that he did commit suicide. The assured came to his death as the result of taking an overdose of cyanide of potassium, but whether accidentally or with suicidal intent was not clear. The trial court instructed the jury that the presumption of law, when death may have resulted from accident or suicide, is against the latter. *Held*, no error. *Ross-Lewin et al. v. Germania Life Ins. Co.* (1904), — Colo. App. —, 78 *Pac. Rep.* 305.

When the dead body of the assured is found under such circumstances and with such injuries that the death may have resulted from negligence, accident, or suicide, the presumption is against suicide as contrary to the general conduct of mankind, a gross moral turpitude not to be presumed in a sane man. MAY, INSURANCE, § 325. The foregoing doctrine, followed in the principal case, is well and uniformly settled by judicial authority, and is therefore no longer open to controversy. *Travelers Ins. Co. v. McConkey*, 127 U. S. 661; *Standard Life & A. Ins. Co. v. Thornton*, 100 Fed. Rep. 582; *Cox v. Royal Tribe*, 42 Ore. 365; *Mutual Life Ins. Co. v. Wiswell*, 56 Kan. 765; *Travelers Ins. Co. v. Rosch*, 23 Ohio Cir. Ct. Rep. 491; *Union Casualty & Surety Co. v. Goddard* (1903), — Ky. —, 76 S. W. Rep. 832. In *Mutual Benefit Life Ins. Co. v. Davies' Ex.*, 87 Ky. 541, occasionally cited as contra, the court refused to extend the presumption to one concededly insane. The presumption contemplates only sane, and not insane, persons. The presumption is, however, a rebuttable one and is overcome by proof of circumstances pointing to and consistent with the theory of suicide and inconsistent with any other reasonable theory, particularly where all the reasonable probabilities are in favor of suicide. *Agen v. Metropolitan Life Ins. Co.*, 105 Wis. 217; *Dennis v. Mutual Life Ins. Co.*, 84 Cal. 570; *Rens v. N. W. Mutual Assn.*, 100 Wis. 266; *Sovereign Camp v. Haller*, 24 Ind. App. 108. A presumption of suicide cannot be indulged in as a mere presumption without any facts or circumstances upon which it can logically be predicated. *Sorenson v. Menasha P. & P. Co.*, 56 Wis. 338. But it is only essential that the evidence preponderates against the presumption of accident. *Bachmeyer v. Mutual Reserve Fund Life Ins. Co.*, 87 Wis. 325, 337. The principal case is no doubt correctly decided, but it is, as it seems to us, certainly a "line" case. The propriety of allowing the presumption in each case depends upon the circumstances thereof, the question being: Are the facts proven such as exclude any other reasonable inference than that the assured voluntarily took his own life? In the principal case the facts proven did not exclude any other reasonable inference than that of suicide, and the court adopted the theory that the deceased came to his death from natural rather than from suicidal causes.